

**Pt. 0, App. C**

g. Negotiation of agreements for cooperation or implementing arrangements with foreign countries, international organizations, or non-Federal enterprises.

h. Analysis, evaluation, or review of license applications.

i. Analysis, evaluation, or review of licensees' compliance with Department of Commerce regulations and requirements.

j. Utilization or disposal of excess or surplus property.

k. Procurement of materials, services, supplies, or equipment.

l. Authorization or monitoring of grants or subsidies to educational institutions or other non-Federal enterprises.

m. Audit of financial transactions.

n. Promulgation of safety standards, procedures, and hazards evaluation systems.

o. Other activities where the decision or action has a substantial economic impact on the interests of a non-Federal enterprise.

**APPENDIX C TO PART 0—POSITION CATEGORIES BELOW GS-13 REQUIRING STATEMENTS OF EMPLOYMENT AND FINANCIAL INTERESTS BY INCUMBENTS**

(1) Employees in the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, who are in the following categories of positions:

(a) Special Agents (Fish and Wildlife), Series GS-1812, grades 5 through 12.

(b) Fishery Products Inspectors, Series GS-1863, grades 5 through 12.

(5 CFR 735.104, 735.403)

[50 FR 2276, Jan. 16, 1985]

**PART 1—THE SEAL OF THE DEPARTMENT OF COMMERCE**

Sec.

1.1 Purpose.

1.2 Description and design.

1.3 Delegation of authority.

AUTHORITY: Sec. 1, 32 Stat. 825, as amended, 15 U.S.C. 1501.

SOURCE: 33 FR 9337, June 26, 1968, unless otherwise noted.

**§ 1.1 Purpose.**

The purpose of this part is to describe the seal of the Department of Commerce and to delegate authority to affix the seal to certifications and documents of the Department.

**§ 1.2 Description and design.**

(a) The Act of February 14, 1903 (32 Stat. 825, as amended) (15 U.S.C. 1501),

**15 CFR Subtitle A (1-1-03 Edition)**

which established the Department of Commerce, provided that "The said Secretary shall cause a seal of office to be made for the said department of such device as the President shall approve, and judicial notice shall be taken of the said seal." On April 4, 1913, the President approved and declared to be the seal of the Department of Commerce the device which he described as follows:

Arms: Per fesse azure and or, a ship in full sail on waves of the sea, in chief proper; and in base a lighthouse illumined proper.

Crest: The American Eagle displayed. Around the Arms, between two concentric circles, are the words:

DEPARTMENT OF COMMERCE

UNITED STATES OF AMERICA

(b) The design of the approved seal is as shown below. Where necessitated by requirements of legibility, immediate comprehension, or clean reproduction, the concentric circles may be eliminated from the seal on publications and exhibits, and in slides, motion pictures, and television. In more formal uses of the seal, such as on letterheads, the full, proper rendition of the seal shall be used.



(c) The official symbolism of the seal shall be the following: The ship is a symbol of commerce; the blue denotes uprightness and constancy; the light-house is a well-known symbol representing guidance from the darkness which is translated to commercial enlightenment; and the gold denotes purity. The crest is the American bald eagle denoting the national scope of

## Office of the Secretary, Commerce

## § 2.2

the Department's activities. (The above is a modification of the original symbolism issued with the President's approval of the seal, made necessary by changes in the functions of the Department.)

### § 1.3 Delegation of authority.

(a) Pursuant to authority vested in the Secretary of Commerce by law, (1) the Chief Administrative Officer of each operating unit, and (2) the Director, Office of Administrative Services in the Office of the Secretary, are hereby authorized to sign as Certifying Officers certifications as to the official nature of copies of correspondence and records from the files, publications and other documents of the Department and to affix the seal of the Department of Commerce to such certifications or documents for all purposes, including the purpose authorized by 28 U.S.C. 1733(b).

(b) Delegations of authority to persons other than those named in paragraph (a) of this section may be made by the Assistant Secretary for Administration.

(c) This delegation shall not affect or prejudice the use of properly authorized office or bureau seals in appropriate cases.

## PART 2—PROCEDURES FOR HANDLING AND SETTLEMENT OF CLAIMS UNDER THE FEDERAL TORT CLAIMS ACT

Sec.

2.1 Purpose.

2.2 Provisions of law and regulations thereunder.

2.3 Delegation of authority.

2.4 Procedure for filing claims.

2.5 Adjudication and settlement of claims.

2.6 Payment of claims.

2.7 Supplementary regulations.

AUTHORITY: 28 U.S.C. 2672.

### § 2.1 Purpose.

(a) The purpose of this part is to delegate authority to settle or deny claims under the Federal Tort Claims Act (in part, 28 U.S.C. 2671-2680) as amended by Pub. L. 89-506, 80 Stat. 306, and to establish procedures for the administra-

tive adjudication of such claims accruing on or after January 18, 1967.

[32 FR 3769, Mar. 7, 1967, as amended at 48 FR 31636, July 11, 1983]

### § 2.2 Provisions of law and regulations thereunder.

(a) Section 2672 of Title 28, U.S. Code, as above amended, provides that:

The head of each Federal agency or his designee, in accordance with regulations prescribed by the Attorney General, may consider, ascertain, adjust, determine, compromise, and settle any claim for money damages against the United States for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the agency while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred: *Provided*, that any award, compromise, or settlement in excess of \$25,000 shall be effected only with the prior written approval of the Attorney General or his designee.

Subject to the provisions of this title relating to civil actions on tort claims against the United States, any such award, compromise, settlement, or determination shall be final and conclusive on all officers of the Government, except when procured by means of fraud.

Any award, compromise, or settlement in an amount of \$2,500 or less made pursuant to this section shall be paid by the head of the Federal agency concerned out of appropriations available to that agency. Payment of any award, compromise, or settlement in an amount in excess of \$2,500 made pursuant to this section or made by the Attorney General in any amount pursuant to section 2677 of this title shall be paid in a manner similar to judgments and compromises in like causes and appropriations or funds available for the payment of such judgments and compromises are hereby made available for the payment of awards, compromises, or settlements under this chapter.

The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive on the claimant, and shall constitute a complete release of any claim against the United States and against the employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

(b) Subsection (a) section 2675 of said Title 28 provides that:

An action shall not be instituted upon a claim against the United States for money